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8 Attorney for Defendant
9 **MICHAEL KRAPCHAN**

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12 **(HON. JEFFREY T. MILLER)**

13 UNITED STATES OF AMERICA,) Case No. 08-CR-02386-JM
14)
15) **MOTION TO CONTINUE**
16 vs.) **MOTION HEARING**
17)
18 **MICHAEL KRAPCHAN,**)
19)
20)
21)
22)
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17 Now comes Michael Krapchan, by and through his attorney,
18 Michael Pancer, and moves this court to continue the motion hearing date now set for
19 August 15, 2008, at 11:00 a.m. Mr. Krapchan is charged in a one-count Indictment with
20 conspiracy to distribute cocaine.

21 However, there was a long period of time, prior to the Indictment, in which
22 the government informant was pressuring and threatening Mr. Krapchan in order to
23 involve him in an illegal transaction. On Friday, July 18, 2008, the government turned
24 over to the defense 45 CDs which we believe contain conversations between the
25 informant and Mr. Krapchan. A number of those conversations were in Russian.

26 We have made arrangements with the Metropolitan Correctional Center to
27 allow Mr. Krapchan to listen to and transcribe the conversations on the CDs. It is

difficult to estimate how long it will take for this process to be completed. We are asking that a status conference be set in approximately three months, so we may report on our progress in preparing transcripts.

We are also filing with this motion a motion to require the government to turn over to us any transcripts they have already prepared. We have agreed in that motion to not use the transcripts for any purpose other than trial preparation, and we will not use them to impeach agents for any other reason at trial.

This motion is based on this Motion and the Declaration of Michael Pancer attached hereto.

Respectfully submitted,

S/Michael Pancer

Dated: July 28, 2006

MICHAEL PANCER
Attorney for Defendant
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Attorney for Defendant
MICHAEL KRAPCHAN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HON. JEFFREY T. MILLER)**

UNITED STATES OF AMERICA,) Case No. 08-CR-02386-JM
Plaintiff,)
vs.)
MICHAEL KRAPCHAN,)
Defendant.)

**DECLARATION OF
MICHAEL PANCER IN SUPPORT
OF MOTION TO CONTINUE
MOTION HEARING**

Now comes Michael Pancer and states that he is the attorney of record for Michael Krapchan in the above-entitled matter.

Your declarant has met with Mr. Krapchan at the Metropolitan Correctional Center. Based on those meetings, your declarant believes that Mr. Krapchan was approached by a government informant approximately one-and-a-half to two years ago in order to involve Mr. Krapchan in illegal activity. Your declarant believes that the government informant is a former KGB agent. Mr. Krapchan was a citizen of the United Soviet Republic and immigrated to Canada.

We have been provided 45 CDs that we believe contain conversations between Mr. Krapchan and the informant. We believe that those CDs may well show elements relating to both an entrapment and duress defense.

1 It is difficult to say how long it will take to transcribe these CDs, but we are
2 asking that a status date be set in approximately three months so that we may report on
3 our progress to the court.

4
5
6 Dated: July 28, 2006

Respectfully submitted,

S/Michael Pancer

7 MICHAEL PANER
8 Attorney for Defendant
9 MICHAEL KRAPCHAN
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Case No. 08-CR-02386-JM

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am a citizen of the United States and am over the age of 18 and not a party to the within action. My business address is 105 W. "F" St., 4th Fl., San Diego, California 92101. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

On July 28, 2008, I served the foregoing documents described as "**MICHAEL KRAPCHAN'S MOTION TO CONTINUE MOTION HEARING**" and "**DECLARATION OF MICHAEL PANER IN SUPPORT OF MOTION TO CONTINUE MOTION HEARING**" in this action by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies the following:

David Robert Denis
attydenis@aol.com

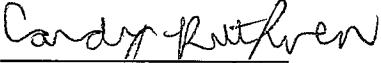
Michael Pancer
mpancer@hotmail.com

U S Attorney CR
Efile.dkt.gc2@usdoj.gov

Thomas J Warwick , JR
twarwick@grimesandwarwick.com,jbostick@grimesandwarwick.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 28, 2008, at San Diego, California.



Candy Ruthven